[21st April 1947

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House that the following messages, dated Fort St. George, the 7th April 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

'(1) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Bar Councils and Legal Practitioners (Madras Amendment) Bill, 1947 (L.A. Bill No. 11 of 1947) as passed by the Assembly on the 17th April 1947 and signed by me for the concurrence of the Council.

(2) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Criminal Tribes (Madras Repeal) Bill, 1947 (L.A. Bill No. 12 of 1947) as passed by the Assembly on the 17th April 1947 and signed by me for the concurrence of the Council.' "

IV.—GOVERNMENT BILLS.

(1) THE BAR COUNCILS AND LEGAL PRACTITIONERS (MADRAS AMENDMENT) BILL, 1947 (L.A. BILL NO. 11 OF 1947).

THE HON. DR. P. SUBBARAYAN :—" Sir, I move—

'*that the Bar Councils and Legal Practitioners (Madras Amendment) Bill*[a], *1947 (L.A. Bill No. 11 of 1947) as passed by the Legislative Assembly be taken into consideration at once.*'

" A Bill of this kind was introduced in the Central Assembly some years ago by my friend Mr. T. T. Krishnamachari but as there was no time at that time that Bill was not proceeded with. A similar Bill of that type has been given notice of in the Central Assembly. Now the Government felt that as far as this Province is concerned as we have the power under the Concurrent Legislative List to amend this Act, the Act may be amended in order to help those who held various political opinions. Decisions of various High Courts on this matter have differed also. For instance, the then Chief Justice of Bombay said that no one should suffer for political opinions sincerely held and therefore practitioners in Bombay who were guilty of such offences were not debarred but owing to different decisions of this High Court some practitioners have been debarred and it is to put them back into the same position, that this Bill has been brought up.

" There is a second matter which the High Court themselves wanted and that was that while practitioners of other High Courts are entitled to practise before the various Subordinate Courts in this Province but when disciplinary action comes into consideration the High Court, though they can take action against any practitioner who has been enrolled as an advocate of this High Court, have no jurisdiction over those practitioners who practice in various subordinate courts but who have been enrolled in other High Courts in this country. The High Court naturally feels that

[a] Printed as Appendix I on pages 644–645 infra.